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Docket No. CHROM-3XC1

Serial No. 10/669,584

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Remarks

Claims 1-24, 32-55, and 63-79 were previously pending in the subject application. By this Amendment, claims 1-7, 10, 11 and 63 have been amended and claims 13-62 have been canceled. No new matter has been added by the amendments. Accordingly, claims 1-12 and 63-71 are now before the Examiner for consideration.

The amendments to the claims have been made in an effort to lend greater clarity to the claimed subject matter and to expedite prosecution. The amendments should not be taken to indicate the applicants' agreement with, or acquiescence to, the rejections of record. Favorable consideration of the claims now presented, in view of the remarks and amendments set forth herein, is earnestly solicited.

Claims 2-12, 14-23, 33-43, and 45-54 have been rejected under 37 CFR §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. More specifically, the Examiner indicates that the substituents listed for R^2 in these claims are not encompassed by the definition of R^2 in claims 1, 13, 32, and 44. The applicants appreciate the Examiner's careful review of the claims. The applicants have amended (or cancelled) the independent claims from which these rejected claims depend. In doing so, the definition of R^2 has been changed, as has its place in the formula of the compounds. The applicants aver that, as amended, the definition of R^2 in claim 1 now encompass the elements for R^2 in the rejected claims. Please note that support for the general formula now set forth in claim 1 can be found at, for example, structure I on page 16 of the specification as filed. Also, support for the substituents now recited for R^1 and R^2 can be found at, for examples, pages 17-18. Therefore, reconsideration and withdrawal of the rejection under 37 CFR §1.75(c) is respectfully requested.

Claims 2-6, 14-17, 33-37, 42, and 45-48 have been objected to because of certain informalities. The corrections suggested by the Examiner have been made (or the claims cancelled). Again, the applicants thank the Examiner for her careful review of the claims of the subject application.

Claims 1-24, 32-55, and 63-79 have been rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. This rejection has

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been addressed by the amendments to the formula of the general compound in claims 1 and 63 and the cancellation of other claims. The previous R^2 has been replaced with an -OH group. Support for the general formula, as amended, can be found on page 16, structure I.

Additionally, the Examiner states that there is no support in the written description for a kit comprising any compound or for the definitions of R^2 , M, R^1 , and R' . In order to expedite prosecution the applicants have canceled claims 13-62 thereby rendering moot these issues raised by the Examiner. Thus, the applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §1.12, first paragraph.

Claims 5, 7, 13-23, 36, 38, and 44-54 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention. This rejection has been addressed by amendments to these claims. For example, the variable "N" has now been defined. The applicants thank the Examiner once again for her careful review of the claims. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §1.12, second paragraph, is respectfully requested.

Claim 1 has been rejected under 35 U.S.C. §102(b) as being anticipated by Austin (GB Patent Specification No. 1,441,021). The applicants respectfully traverse this ground of rejection because the cited reference does not teach each and every element of the claimed composition.

Austin teaches a compound consisting of pyrene with three SO_3H groups and another group of the general formula $NH(CH_2)_nNRZ$. The compound of claim 1, as amended, requires a hydroxyl group (-OH) as well as a nitrogen-containing group on the pyrene structure. Austin does not disclose or suggest such a compound. Thus, the claimed compound is distinguishable from the composition taught by Austin.

It is well established that in order to anticipate, a single reference must disclose within the four corners of the document each and every element and limitation contained in the rejected claim. *Scripps Clinic & Research Foundation v. Genentech Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). As noted above, Austin does not teach the compounds as now claimed by the current applicants. Accordingly, the applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) based on Austin.

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In view of the foregoing remarks, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

The applicants also invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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